

PETITION -- HOUSE

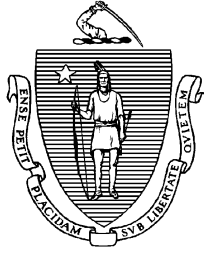
CHIEF SPONSOR:

Representative Gobi of Spencer

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts
in General Court assembled.*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill or resolve.

[illegible]



The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND FIVE

AN ACT TO REINSTATE THE LANDFILL MORATORIUM

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to protect the public health, safety, and the environment from the toxic emissions from solid waste landfills, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Legislative findings. The legislature hereby finds and determines that solid waste landfills potentially threaten public health by contaminating groundwater, polluting the air, and despoiling the land. The legislature further finds and determines that the Massachusetts Constitution, Article 97 of the Articles of Amendment, guarantees the right of Massachusetts residents to clean air and water; and that to protect and preserve these rights the Commonwealth of Massachusetts should restore the moratorium on landfilling, which was originally established in 1995, and should establish a solid waste management program that will reduce the per capital generation of solid waste and increase recycling.

SECTION 2. Notwithstanding any general or special law to the contrary, the Department of Environmental Protection is hereby authorized to reinstate the moratorium on the siting and permitting of solid waste landfills.

SECTION 3. Section 150A of Chapter 111 of the General Laws is hereby further amended by adding the following paragraphs:—

No site in any city or town be assigned as a site for a sanitary landfill or as a dumping ground for refuse, or as an expansion thereof, unless said site assignment or expansion was in effect on or before July first, two thousand.

The department shall not grant a permit for a sanitary landfill or a dumping ground for refuse, or for an expansion thereof, unless said permit was granted on or before July first, two thousand.

SECTION 4. Chapter 16 of the General Laws is hereby amended by striking Section 19 and by striking the second paragraph of section 20 and inserting in its place thereof the following:—

The comprehensive statewide master plan referred to herein shall describe, to the maximum practicable extent, a short and long-range plan for reduction of the per capita generation of solid waste throughout the commonwealth, the solid waste programs and facilities which the department determines to be necessary or convenient to promote the reduction of waste generation and to increase recycling of solid waste in a manner which protects the public health, safety and environment and is financially sound, and the funding for the development of such facilities and programs which the department finds to be reasonable necessary to accomplish said purposes.

SECTION 5. This act shall take effect upon its passage.